

CALIFORNIA. ~~STATE~~ BOARD OF HEALTH.

MONTHLY BULLETIN.

Entered as second-class matter August 15, 1905, at the post office at Sacramento, California, under the Act of Congress of July 16, 1894.

Vol. 3.

SACRAMENTO, FEBRUARY, 1908.

No. 9

STATE BOARD OF HEALTH.

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STATE BUREAU OF VITAL STATISTICS.

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STATE HYGIENIC LABORATORY.

ARCHIBALD R. WARD, D.V.M., *Director*

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STATE FOOD AND DRUG LABORATORY.

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CALIFORNIA PUBLIC HEALTH ASSOCIATION.

The California Public Health Association will hold its annual meeting at Coronado Monday, April 20th, at 10 A. M. There will be no papers, but the following subjects will be presented for discussion, which will be opened by the gentlemen designated. After the opening a full and free discussion of the question is desired, and all are requested to come prepared to take part.

PURE FOODS AND DRUGS.—Discussion opened by Prof. M. E. Jaffa, Director of State Pure Food and Drug Laboratory.

GENERAL SANITATION OF CITIES AND TOWNS.—Discussion opened by Dr. Rupert Blue, Passed Assistant Surgeon, in command, San Francisco.

A DEPARTMENT OF EPIDEMIOLOGY IN THE STATE BOARD OF HEALTH.—Discussion opened by Dr. W. F. Snow, Stanford University.

The meeting will be the day before the first session of the State Medical Society, and a full attendance is expected.

Arrangements have been made with the railroads to give a rate of a fare and one third for the round trip to any one attending the State Medical Society, and these rates will be granted to the members attending the Public Health Association. Buy a first-class single-trip ticket to San Diego at tariff rates, requesting of the agent a receipt certificate therefor, which, when certified to by the Secretary of the Medical Society, will be authority for the agent at San Diego to sell a return ticket for one third full rate. Tickets for the going trip may be purchased April 10th to 23d, inclusive, and certificates will be honored

for return April 20th to 25th, inclusive, for points in California south of Santa Barbara and Bakersfield, and from April 20th to May 5th to points north of and including Santa Barbara and Bakersfield.

CENTRAL CALIFORNIA HEALTH OFFICERS' ASSOCIATION.

The Central California Health Officers' Association held its semi-annual session at Tulare, March 10th, with the best program in its existence. The attendance was good and keen interest was shown from first to last.

The meeting was held in conjunction with the San Joaquin Valley Medical Society, which gave the Sanitary Association a portion of its time, a courtesy which was much appreciated, and we hope that the quality of the addresses did not detract from their extremely interesting and able program.

PLAGUE.

Since January 1st there have been but five authenticated cases of Plague in San Francisco, with one death, and one death in Oakland. The rat infection is yet extensive, being from one to two per cent. They are being rapidly and extensively killed, and the general crusade against them will, if continued, soon exterminate them. Their complete extermination must be the end aimed at, not only in California but in other states, for the Plague is abroad in the world and its means of dissemination must be recognized and destroyed.

Never in the history of this coast, if indeed in the country, has there been such a spirit of sanitation. The cities and towns are spending vast sums of money in cleaning up, strict laws are being enacted and enforced, and better than this is the intense interest taken by the people. They are individually seeing that their *own* place is clean.

VACCINATION.

"No person properly vaccinated ever had smallpox," says the recent bulletin from the State Board of Health. No doubt about it, but tens of thousands who have been improperly vaccinated have had something worse than smallpox, and that is what is the matter. When the State Board of Health can guarantee that the stuff that is put into the blood of a healthy person will not give that person some disease, then there will be a different proposition. But when they vaccinate and the child or adult is given lockjaw, or some bad disease that is incurable, or dies from the effect of vaccination, is Dr. Foster or somebody else responsible?—Hanford Sentinel.

We quote the above from the Hanford Sentinel, and violate a rule of never answering a personal reference simply because this particular item might lead to great harm by making people suppose that vaccine virus is impure.

All vaccine farms in the United States are regularly inspected by an officer of the United States Public Health and Marine Hospital Service, and samples are taken at frequent intervals from the dealers in different parts of the country and carefully examined. If the cleanliness of the farm and the purity of the product is satisfactory the Government certifies to it, and no physician would think of using any but a certified vaccine.

The danger is *not* in the impurity of the vaccine matter, but in the manner of putting it into the arm and the care of the arm after it is in.

First. *Allow no vaccination to be done except by some one who knows how and is "surgically clean."*

Second. *Keep the arm "clean" and protected from contact with soiled clothing or other dirt, and never allow it to be scratched with the finger nails.*

The purity of the vaccine is guaranteed. Now if these two points are strictly observed there will be no cases of lockjaw or other disease resulting from vaccination.

It is not the vaccine that causes trouble, but the dirt.

STATE BOARD OF HEALTH.

The special monthly meeting of the State Board of Health was held at the Board's office, Capitol Building, March 7, 1908, at 10 A. M.

Present—President Martin Regensburger, Vice-President W. A. Briggs, Dr. O. Stansbury, Dr. N. K. Foster, and Attorney J. C. Gardner.

Absent—Drs. F. K. Ainsworth, A. C. Hart, and W. Le Moyne Wills.

Minutes of last meeting read and approved.

President Regensburger reported that the anti-expectoration law was not being enforced in San Francisco, and the Secretary was directed to write to the local Board of Health urging that steps be taken to enforce it.

Mr. Harris, of San Francisco, who buys and deals in old rags, appeared before the Board explaining that his rags are all disinfected and urged that outside towns be allowed to ship to him.

Mr. Miller, who buys and handles rags and old sacks, also appeared and urged a modification of the rules forbidding their shipment. The Board were not disposed to modify their recent order without further information and the matter was referred to Dr. Regensburger.

The Attorney and Secretary were directed to draw a resolution covering the subject of rag picking, and report at the next meeting.

The spread of smallpox was discussed, and Dr. Briggs moved and Dr. Stansbury seconded the following:

Resolved, That the Secretary notify the various boards of school trustees that the law requiring pupils to be vaccinated must be enforced, and that evidence be collected and placed in the hands of the district attorney for prosecution where the law is disregarded.

Carried.

Dr. W. C. Hobdy, Passed Assistant Surgeon and United States Quarantine Officer at San Francisco, was present and reported his work, which, as a rule, is going smoothly. All boats and ships are fumigated every fourteen days, and the belief is expressed that no rats are being shipped out of San Francisco. The work is more necessary now than when begun in September, as more rats are infected. One line, the Monticello, running to Vallejo, is giving trouble and refuses to be fumigated.

The Attorney assured the Board of its rights, and it was moved and seconded and carried, That this Board commends the action of the Quarantine Officer in enforcing the order of this Board, and instructs him to continue the fumigation, and that if the Monticello Company refuses to comply their boats be tied up.

The Secretary was instructed to notify all Health Officers around the Bay that the order requiring fumigation of vessels must be enforced,

and Dr. Briggs offered, and Dr. Stansbury seconded, the following resolutions, which were carried:

Resolved by the state Board of Health of the State of California, That whereas, there now exists in the City and County of San Francisco and in the County of Alameda, State of California, a contagious, infectious and communicable disease, to-wit: the Plague; and

That, in the judgment of said Board, it is necessary for the protection and preservation of the public health and to prevent the spread of said disease; that

It is hereby ordered that the Health Boards, and chief executive Health Officers, in and for the several counties, cities, towns, and cities and counties of the State of California, be and they and each of them are hereby directed and required strictly to enforce within their respective jurisdictions the rules and regulations as to fumigation and disinfection of vessels and water craft adopted and promulgated by resolution of this Board on the 24th day of September, 1907; and

That the Secretary of this Board be directed to transmit to such local health officials a copy of this resolution and a copy of said resolution of September 24, 1907.

Resolved by the State Board of Health of the State of California, that the Commandant at Mare Island, California, be and he is requested to enforce within his jurisdiction the following rule, promulgated by this Board by resolution dated September 24, 1907, and relating to the fumigation and disinfection of vessels and water craft for the purpose of preventing the spread of Bubonic Plague, to-wit: That no vessel or craft such as is in said resolution of September 24, 1907, referred to, shall be permitted to land, tie up, touch at or establish any communication with any wharf, dock, pier, landing, or other place in the State of California, unless the captain or other officer or person in charge of such vessel or craft shall first produce a certificate from the Secretary of the State Board of Health or an Inspector or other subordinate, showing fumigation as in said resolution of September 24, 1907, required; and that the Secretary of this Board be directed to transmit to said Commandant a copy of this resolution and a copy of said resolution of September 24, 1907.

Resolved, That cities, towns and counties, bordering on the Bay of San Francisco, or the inland navigable waters of the State communicating therewith, which, within thirty days from this date, March 7, 1908, have not passed or are not enforcing these ordinances or their practical equivalent shall be considered by this Board an imminent menace to the public health and amenable to Section 2979 of the Health Laws of the State of California.

Resolved, That all rat-infested landings, wharves, docks, piers and pierhouses situated on the Bay of San Francisco or the inland navigable waters connected therewith and all rat-infested grain elevators, warehouses, mills, slaughter houses, markets, stables and all other rat-infested premises where foods or food stuffs of any kind whatever, whether for human or animal use, are stored, placed or kept, and situated within one half mile of said landings, etc., are an imminent menace to the public health, and if efficient measures for disinfestation are not taken within thirty days shall be quarantined by the Secretary of this Board.

Resolved, That the Secretary be instructed to secure the publication of these resolutions in the public press and to notify the various Boards of Supervisors and Trustees of cities, towns and counties bordering on these waters.

The question of revising our sanitary laws was discussed, and a committee consisting of Dr. Briggs (chairman), Secretary Foster, and Attorney Gardner was appointed to investigate and report.

The Secretary reported the discontinuance of inspection work at Napa that more exposed places might be covered, and the action was approved by the Board.

Dr. Briggs moved, and Dr. Stansbury seconded, that the next Legislature be memorialized to issue bonds for the purpose of making all wharfs in San Francisco rat-proof. Carried.

Adjourned.

DEPARTMENT OF VITAL STATISTICS.

GEORGE D. LESLIE, STATISTICIAN.

VITAL STATISTICS FOR FEBRUARY.

Births.—For February there were reported 2,021 living births, as compared with 2,065 for January. For an estimated State population of 2,019,519, the February total represents an annual birth-rate of 12.6, against 12.1 for January.

The February totals were highest for the following counties: Los Angeles, 478; San Francisco, 390; Alameda, 238; Fresno, 102; Santa Clara, 78; Sacramento, 59; and Riverside, 50.

Births for February were registered in freeholders' charter cities as follows: San Francisco, 390; Los Angeles, 355; Oakland, 134; Sacramento, 51; Berkeley, 43; Fresno, 38; Pasadena, 34; San Diego, 29; and Riverside, 26.

Marriages.—The marriages reported for February number 1,532, against 1,720 for January, and represent an annual rate of only 9.6, as compared with 11.7 for the preceding month.

The February totals were greatest for the following counties: San Francisco, 332; Los Angeles, 286; Alameda, 178; Santa Clara, 85; Marin, 61; and Fresno, 54.

Deaths.—Altogether 2,759 deaths, exclusive of stillbirths, were reported for February, against 2,920 for January. The annual death-rate for February is 17.2, as compared with 17.1 for January.

The February death totals were highest for the following counties: San Francisco, 552; Los Angeles, 535; Alameda, 278; Santa Clara, 111; Sacramento, 101; San Bernardino, 80; San Diego, 77; San Joaquin, 73; Sonoma, 63; Fresno, 62; and Contra Costa, 50.

Deaths for February were reported as follows for the leading cities: San Francisco, 552; Los Angeles, 358; Oakland, 163; San Diego, 71; Sacramento, 62; Stockton, 43; San José, 42; San Bernardino, 31; Berkeley, 28; Fresno and Pasadena, each 26; and Vallejo, 25.

Causes of Death.—In February there were altogether 414 deaths, or 15.0 per cent of all, from various forms of tuberculosis; 405, or 14.7 per cent, from pneumonia and other diseases of the respiratory system; and 366, or 13.3 per cent, from diseases of the circulatory system.

The next most prominent causes of death were diseases of the nervous system, violence, diseases of the digestive system, cancer, Bright's disease, and epidemic diseases.

The leading epidemic disease in February, as in January, was diphtheria. February deaths from epidemic diseases were as follows: Diphtheria and croup, 44; influenza, 31; typhoid fever, 29; whooping-cough, 13; measles, 8; scarlet fever, 7; and all others, 13.

Further details appear in the following table, which gives the number of deaths from certain principal causes reported for February, as well as the proportions from each cause per 1,000 total deaths for both February and January:

Cause of Death.	Deaths: February.	Proportion per 1,000.	
		February.	January.
ALL CAUSES.....	2,759	1,000.0	1,000.0
Typhoid fever.....	29	10.5	12.7
Malarial fever.....	2	0.7	0.7
Smallpox.....	2	0.7	-----
Measles.....	8	2.9	0.7
Scarlet fever.....	7	2.5	3.4
Whooping-cough.....	13	4.7	3.4
Diphtheria and croup.....	44	16.0	16.4
Influenza.....	31	11.2	9.2
Plague.....	1	0.4	0.3
Other epidemic diseases.....	8	2.9	4.8
Tuberculosis of lungs.....	374	135.5	137.7
Tuberculosis of other organs.....	40	14.5	15.1
Cancer.....	152	55.1	45.2
Other general diseases.....	96	34.8	40.4
Meningitis.....	67	24.3	19.9
Other diseases of nervous system.....	235	85.2	70.5
Diseases of circulatory system.....	366	132.6	136.0
Pneumonia and broncho-pneumonia.....	303	109.8	128.1
Other diseases of respiratory system.....	102	37.0	38.4
Diarrhea and enteritis, under 2 years.....	29	10.5	16.4
Diarrhea and enteritis, 2 years and over.....	17	6.2	5.8
Other diseases of digestive system.....	140	50.7	48.0
Bright's disease and nephritis.....	150	54.4	58.9
Childbirth.....	28	10.2	9.2
Diseases of early infancy.....	82	29.7	31.2
Suicide.....	75	27.2	16.4
Other violence.....	209	75.8	66.8
All other causes.....	149	54.0	64.4

Geographic Divisions.—The table below shows the number of deaths from main classes of diseases reported for February for the several geographic divisions of the State, including the metropolitan area, or "Greater San Francisco," in contrast with the rural counties north of Tehachapi:

Geographic Division.	DEATHS: FEBRUARY, 1908.									
	All Causes.....	Epidemic Diseases.....	Tuberculosis (All Forms).....	Cancer.....	Diseases of Nervous System.....	Diseases of Circulatory System.....	Diseases of Respiratory System.....	Diseases of Digestive System.....	Violence.....	All Other Causes.....
THE STATE.....	2,759	145	414	152	302	366	405	186	284	409
<i>Northern California</i>	352	18	25	22	55	51	58	18	32	56
Coast counties.....	170	3	12	15	36	28	16	8	10	32
Interior counties.....	182	15	13	7	19	23	42	10	22	24
<i>Central California</i>	1,567	83	222	85	152	216	242	100	183	234
San Francisco.....	552	21	94	35	39	90	82	40	59	75
Other bay counties.....	379	26	39	17	38	56	54	15	61	62
Coast counties.....	181	11	29	10	14	30	30	15	18	18
Interior counties.....	455	25	60	23	61	40	76	30	45	79
<i>Southern California</i>	840	44	167	45	95	99	105	68	69	119
Los Angeles.....	535	26	103	24	56	69	71	47	45	74
Other counties.....	305	18	64	21	39	30	34	21	24	45
<i>Northern and Central California</i>	1,919	101	247	107	207	267	300	118	215	290
Metropolitan area.....	931	47	133	52	77	146	136	55	120	137
Rural counties.....	988	54	114	55	130	121	164	63	95	153

DEPARTMENT OF BACTERIOLOGY.

DR. A. R. WARD, DIRECTOR.

DO YOU USE THE LABORATORY FOR DIPHTHERIA?

The very small amount of use that is made of the State Hygienic Laboratory in cases of diphtheria is becoming a matter of serious concern. During the month of December, 1907, we were called upon to make but forty-nine examinations for diphtheria. When we compare this with the amount of help which state laboratories in other states are being allowed to give to the physicians throughout their states, we are forced to the conclusion that there is something wrong. To take two examples at random, the state laboratory of Indiana made 115 examinations for diphtheria in the month of October, 1907, and the state laboratory of Vermont, 487 during November, 1907. On the other hand there are, of course, other states where the same indifference to the usefulness of the laboratory is exhibited. In one case the laboratory reports but fifty-two examinations made in three months.

Before this we had believed that it was merely because the laboratory was young and because physicians did not know about it that it was so little used, but we are fast losing that impression. During the past year we have made examinations for 108 physicians in the State, and of these forty-seven were in Berkeley. The others represented fifty-four towns. The fact that the laboratory is used by such a large proportion of Berkeley's physicians, who have it constantly called to their attention, and by so very few of the physicians from the rest of the State, makes us feel certain that it is only through ignorance of the advantages coming from a free use of a laboratory that material is not sent to us from out of town.

During the month of December we have been informed through newspaper clippings that diphtheria epidemics of greater or less seriousness existed in eleven towns in the State. During that same time we received cultures from two of these towns. What is the trouble with the others? Of course the distance is great from most of the State to the laboratory, so that our report can not be made of much value in diagnosis in urgent cases. But even at a distance of hundreds of miles, with the consequent delay in report, the laboratory's findings are of value in determining diagnosis in doubtful cases, in demonstrating the necessity of quarantine, in determining the length of quarantine, and in controlling diphtheria in institutions and public schools. These are the cases in which the laboratory will most often be of use to the community that is too far away to use it for diagnosis. More than one of our newspaper clippings has stated that the physician in charge of the case and the Health Officer disagreed about the question of diagnosis. The laboratory could, of course, be appealed to in cases like this, and settle all difficulties within forty-eight hours, at the most.

So, many of our newspaper clippings have stated that on the appearance of one case of diphtheria in a town the public school has been

closed for a week or so. This means a great and unnecessary loss to the children of the community. Taking a culture from the throat of every person who had been exposed, or from every school child, if necessary, and sending it to the laboratory, would make it possible to separate the infected from the uninfected quickly, and the school could be kept open quite safely for the uninfected, and the others readmitted as subsequent cultures showed their throats to have become clean. We have been able to keep one school with an enrollment of 575 children open in the face of an epidemic causing several deaths, and by keeping the school open, so to control the infected persons that the epidemic was checked most speedily. Similar work is in progress at present in two towns.

Every physician in the State is at liberty, and is urged, to make use of the laboratory freely. Any sore throat may be a mild diphtheria, which will become more serious if communicated to another individual. The germs do not disappear from some throats after clinical recovery as soon as from others, and those cases that are infected for a long time, though well and about, are a fruitful source of new cases of the disease. On the other hand, the germs disappear very quickly from some throats, and the extension of quarantine through the usual three weeks is an unnecessary hardship. One case of diphtheria in a community is not a good reason for excluding all the children from the school. In all of these contingencies, the laboratory's report will help, and yet there are but fifty-four towns in the State that have sent specimens to the laboratory during the past year.

DEPARTMENT OF PURE FOODS AND DRUGS.

PROF. M. E. JAFFA, DIRECTOR.

FOOD AND DRUG INSPECTION.

During the past month many more samples of food materials have been received by the State Laboratory, increasing the total number to 381. Of these upwards of 60 samples are vinegars, representing the different commercial types. The work done so far indicates considerable mislabeling, and in view of this it might not be out of place to reprint, for the proper guidance of those interested, the definition of the different vinegars. It should be distinctly understood by manufacturers and dealers that *all misbranding or mislabeling are violations of the law.*

VINEGAR.

1. *Vinegar, cider vinegar, apple vinegar*, is the product made by the alcoholic and subsequent acetous fermentations of the juice of apples, is laevo-rotatory, and contains not less than four (4) grams of acetic acid, not less than one and six tenths (1.6) grams of apple solids, of which not more than fifty (50) per cent are reducing sugars, and not less than twenty-five hundredths (.25) of a gram of apple ash in one hundred cubic centimeters (20°C.), and the water-soluble ash from one hundred (100) cubic centimeters (20°C.) of the vinegar contains not less than ten (10) milligrams of phosphoric acid, and requires not less than thirty (30) cubic centimeters of decinormal acid to neutralize its alkalinity.

2. *Wine vinegar, grape vinegar*, is the product made by alcoholic and subsequent acetous fermentations of the juice of grapes and contains in one hundred (100) cubic centimeters (20°C.) not less than four (4) grams of acetic acid, not less than one (1) gram of grape solids, and not less than thirteen hundredths (.13) of a gram grape ash.

3. *Malt vinegar* is the product made by alcoholic and subsequent acetous fermentations, without distillation, of an infusion of barley malt or cereals whose starch has been converted by malt, is dextro-rotatory, and contains in one hundred (100) cubic centimeters (20°C.) not less than four (4) grams acetic acid, not less than two (2) grams of solids, and not less than two tenths (.2) of a gram of ash; and the water soluble ash from one hundred (100) cubic centimeters (20°C.) of the vinegar contains not less than nine (9) milligrams of phosphoric acid, and requires not less than four (4) cubic centimeters of decinormal acid to neutralize its alkalinity.

4. *Sugar vinegar* is the product made by the alcoholic and acetous fermentations of solutions of sugar, sirup, molasses, or refiners' sirup, and contains, in one hundred (100) cubic centimeters (20°C.), not less than four (4) grams of acetic acid.

5. *Glucose vinegar* is the product made by the alcoholic and acetous fermentations of solutions of starch, sugar and glucose, is dextro-rotatory, and contains in one hundred (100) cubic centimeters (20°C.) not less than four (4) grams of acetic acid.

6. *Spirit vinegar, distilled vinegar, grain vinegar*, is the product made by the acetous fermentation of dilute distilled alcohol, and contains in one hundred (100) cubic centimeters (20°C.) not less than four (4) grams of acetic acid.

A large number of "soda waters" or carbonated drinks have been examined and found to contain artificial coloring matter, without the use of such being declared on the label. The manufacturers of such beverages should bear in mind that such practices are violations of sections four and five of the Pure Foods Act, March 11, 1907. For information concerning the use of the coal-tar colors allowed by law, reference is suggested to the monthly bulletin of this Board of January, 1908.

The United States Department of Agriculture has recently issued a decision on the labeling of bitters, which, as it answers some questions submitted to the State Laboratory, is here reprinted in full.

LABELING OF BITTERS.

In Section 6 of the Food and Drugs Act of June 30, 1906, the term "drug," as defined in the act, includes "all medicinal preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use and *any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease in either man or other animals.*"

Notwithstanding this comprehensive definition, it appears from a large correspondence on this subject that there is still some uncertainty as to whether or not certain commodities should be classed as drug products, and of this type are the alcoholic products known as "bitters."

It is necessary to determine definitely whether or not "bitters," for example, are to be classed as drugs. This is necessary for the reason that under Section 8 of the Food and Drugs Act a drug is deemed misbranded "if the package fails to bear a statement on the label of the quantity or proportion of any alcohol * * * contained therein."

On investigation of labels that are found on "bitters" it has been discovered that in most cases they are recommended for various ailments. For example, they are said to "aid digestion," "allay irritation of the nerves," "excite the appetite to a marvelous degree," "prolong life." Again, labels bear the statements "is not only a delicious beverage, but also a wonderful tonic," "valuable in intermittent fever, illness due to the spleen, stomach catarrh, diarrhea, colic, cramps, vomiting, hypochondria, etc." These are examples of common phrases found on labels. "Bitters" are frequently prescribed in the same manner as medicines in general. For example, "to be taken in tablespoonful every hour," "increase the dose if the effect is not immediate," etc.

It is well known that certain substances may be used both as foods and as drugs. It is claimed by some that certain products advertised as medicinal products are not sold and consumed on account of their medicinal properties, but merely as alcoholic beverages. This, however, does not seem to be consistent with the information found on some of the labels.

In a case of this kind the classification will be made from a study of the literature published in connection with the article and by ascertaining the uses to which it is put. When a "bitters" is described on the carton or label attached to the bottle, or any advertising matter accompanying the package, as possessing any medicinal or tonic properties, or if in fact it does possess such value, it must of necessity be classed as a drug product and, in consequence of this classification, bear a statement of the quantity or proportion of any alcohol contained therein. The method of stating the proportion of alcohol is that of per cent by volume, as suggested in regulation 28 of Circular 21 of the Office of the Secretary. In Food Inspection decision 52 is the suggested order in which the statements required by law should occur on a label.

This food inspection decision is promulgated so that those interested in the importation of "bitters" may understand how the department is obliged to rule in such cases, the decision as to whether a product be a food or a drug depending not only upon what claims are made for it, but also upon the uses to which it is put. This same principle must guide the Department in its interpretation of the law governing similar

products which have the dual function of serving as both foods and drugs.

United States Food Inspection Decision 86 concerning the definition of "Original Unbroken Package" is too long to reprint in full in this bulletin. The following excerpts are given herewith as being of special interest to manufacturers and dealers in this State. Complete copies of this decision can be obtained upon application to the Director of the State Food and Drug Laboratory, Berkeley.

Regulation 2 of the Rules and Regulations for the Enforcement of the Food and Drugs Act (Circular No. 21, Office of the Secretary, United States Department of Agriculture) declares:

The term "original unbroken package" as used in this act is the original package, carton, case, can, box, barrel, bottle, phial, or other receptacle put up by the manufacturer, to which the label is attached, or which may be suitable for the attachment of a label, making one complete package of the food or drug article. The original package contemplated includes both the wholesale and the retail package.

This definition of original unbroken package was inserted in the regulations for the purpose of facilitating the administration of the act. It was intended to be, or at all events is, a guide to the inspectors who purchase the samples throughout the United States, as to the nature of an unbroken package. Upon the basis of this regulation the inspectors have collected a large number of samples, but when an examination of some of the cases has been made, with prosecutions in view, it has been found that no action could be taken because the package bought was not an original package, though apparently so upon a reasonable interpretation of the regulation. Furthermore, the department is advised that the food commissioners of some of the states, guided by a literal interpretation of the regulation, have refrained from enforcement of their laws upon all packages apparently embraced within its terms.

It is believed that the discussion of the question and the cases cited will prove helpful to those United States attorneys to whom cases are reported for seizure in original packages under Section 10 of the Food and Drugs Act.

To prevent the further misconception of the scope of the regulation, and for the information of those concerned, it is the purpose of this decision to set out the interpretation the Department has made of it, and the authorities therefor.

Construed in the light of judicial determinations of the question, the terms "original unbroken packages" (as set out in the regulation and as used in Sections 2 and 10 of the act) and "unbroken packages" (as used in Section 3 of the act) will be restricted to such a package containing the food and drug product as has been prepared for shipment or transportation and shipped or transported, as an entirety or unit, from a state, territory, or the District of Columbia, and delivered to the consignee, remaining his property in the identical form and condition in which it was shipped or transported. After arrival in a state and delivery to the consignee, if any part of the contents of the package be removed, or if the package be *transferred* by the consignee, it is no longer an original package. The retail package is not an original package unless it bears the characteristics set forth above.

It is not practicable to frame a universally accurate and satisfactory definition of an "original package." No statute has done so, and the department disclaims any attempt to do so in its construction of the

terms. The question must be determined largely upon each case as it arises, with the guidance of the authoritative decisions of the courts, which for the sake of elucidating and explaining the subject are presented in this decision.

United States Food Inspection Decision 87, "Labeling of Corn Sirup," answers several communications received by the Secretary of the State Board of Health, it is therefore quoted in full.

"We have each given careful consideration to the labeling, under the pure-food law, of the thick, viscous sirup obtained by the incomplete hydrolysis of the starch of corn, and composed essentially of dextrose, maltose, and dextrine.

"In our opinion it is lawful to label this sirup as 'Corn Sirup,' and if to the corn sirup there is added a small percentage of refiner's sirup, a product of the cane, the mixture, in our judgment, is not misbranded if labeled 'Corn Sirup with Cane Flavor.'

"It must be remembered, however, that the label 'Corn Sirup' can only be applied to the sirup manufactured from starch of corn; the sirup obtained from starch of potatoes or any grain could not be so labeled."

In view of the many inquiries concerning the use of sulphur dioxid and benzoate of soda in foods and food products, United States Food Inspection Decision 89 is herewith presented.

Amendment to Food Inspection Decision 76, Relating to the Use in Foods of Benzoate of Soda and Sulphur Dioxid.

The question of the addition to food of minute quantities of benzoate of soda and of sulphur dioxid will be certified immediately by the Secretary of Agriculture to the referee board of consulting scientific experts.

Pending determination by the referee board of the wholesomeness or unwholesomeness of these substances, their use will be allowed under the following restrictions:

Benzoate of soda, in quantities not exceeding one tenth of one per cent, may be added to those foods in which generally heretofore it has been so used. The addition of benzoate of soda shall be plainly stated upon the label of each package of such food.

No objection will be made to foods which contain the ordinary quantities of sulphur dioxid if the fact that such foods have been so prepared is plainly stated upon the label of each package.

An abnormal quantity of sulphur dioxid placed in food for the purpose of marketing an excessive moisture content will be regarded as fraudulent adulteration, under the Food and Drugs Act of June 30, 1906, and will be proceeded against accordingly.

Food Inspection Decision No. 76, issued July 13, 1907, is hereby amended accordingly.